

III. REMARKS

Claims 1 and 3-8 are pending in this application. By this amendment, claims 1, 3, 7 and 8 have been amended and claim 2 has been canceled. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 7-8 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dutta *et al.* (U.S. Patent No. 6,546,423 B1), hereafter "Dutta." Claim 2 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dutta in view of Starnes *et al.* (U.S. Patent No. 6,510,469 B1), hereafter "Starnes." Claim 3 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dutta in view of Starnes and further in view of Pavan (U.S. Patent No. 6,801,943 B1), hereafter "Pavan." Claim 4 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dutta in view of Starnes and Pavan and further in view of Millard (U.S. Patent Pub. No. 2002/0087282 A1), hereafter "Millard," and further in view of Subramanian *et al.* (U.S. Patent Pub. No. 2002/0194211 A1). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Dutta in view of Starnes, Pavan, Millard and Subramanian and further in view of Colby *et al.* (U.S. Patent No. 6,625,643 B1).

B. REJECTION OF CLAIMS 1, 7 AND 8 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection of claims 1, 7 and 8 over Dutta, Applicants assert that Dutta fails to teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7 and 8, Applicants submit that the cited references fail to teach or suggest, *inter alia*, including a filter to limit a scope of application of said directives. The Office fails to address this feature in its arguments regarding claim 2, stating that "...the phrase 'optionally' means that it is not required in the claimed invention and the limitation can simply be interpreted as being not part of the claim and claimed invention." Office Action, page 4. Applicants have removed the word "optionally" and have incorporated the language into claims 1, 7 and 8. As presently constituted, Applicants submit that Dutta fails to teach this limitation. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

B. REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection of claims 3-5 over Dutta in view of Pavan, Applicants assert that there is no motivation or suggestion to combine the Dutta and Pavan references. Specifically, Dutta performs load balancing, that is, performing some analysis on a packet of information received from a remote location and forwarding the packet to a selected server out of a number of servers for processing. Col. 1, lines 15-18. To this extent, the purpose of Dutta is correctly distributing packets among the servers. In contrast, Pavan discloses a network scheduler that schedules the use of a shared resource such as a physical communication channel. Col. 4, lines 5-10. As such, Pavan is in a field of art that is non-analogous to that of

Dutta. Furthermore, as the goal of Pavan is correctly scheduling an order of task performance on a single resource, it does not solve the same problem as Dutta. Thus, there is no motivation in the references themselves or in the art for combining the references. Accordingly, Applicants submit that the Office has failed to prove a *prima facie case* of obviousness and request that the Office's rejection be withdrawn.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

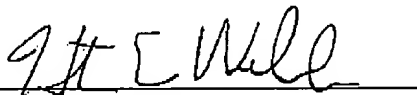
IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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